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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,333	01/26/2001	Bartley C. Conrath		6772

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EXAMINER
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DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
	2137

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/771,333	CONRATH, BARTLEY C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Zachary A Davis	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2001.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 126/01 is/are: a) accepted or b) objected to by the Examiner. AC  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Drawings***

1. The drawings are objected to because the drawings contain hand-written labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8, 10, 13, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In reference to Claim 8, the use of the terms “another Sender” in line 2 and “a second Sender” in line 3 is unclear; specifically, it is not clear if the second Sender and another Sender are the same Sender, or if “another Sender” refers to a different, third Sender. This renders the claim indefinite. For purposes of applying the prior art, the two are assumed to refer to different Senders.

In reference to Claim 10, the claim recites the limitation “said Mediator node”; however, it is unclear which mediator node this refers to, as Claim 7 recites a plurality of Mediator nodes. This renders the claim indefinite.

In reference to Claim 13, the use of the trademark Java™ renders the claim indefinite. The scope of the claim is uncertain because the trademark cannot be used properly to identify any particular material or product. See MPEP § 2173.05(u).

In reference to Claim 21, the claim recites the limitation “said Viewer” in lines 11-12. The claim also refers to “one or more Viewers” and “said Viewers”. It is therefore unclear to which Viewer “said Viewer” refers, if there is more than one Viewer, which

renders the claim indefinite. For purposes of applying the prior art, it is assumed that the claim is intended to read "said Viewers".

Claim 22 is rejected due to its dependence on rejected Claim 21.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 11-12, and 14-21 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Teng et al, US Patent 5930473.

In reference to Claim 1, Teng discloses a system for point to point data streaming over a network (see Figures 1 and 6), including a Sender node generating streaming data (column 11, lines 19-23), a Viewer node for monitoring using the data (column 11, lines 26-29), and a Mediator node for controlling the direct transmission of the data from the Sender to the Viewer (column 11, lines 23-25). Teng further discloses that the transmission is initiated asynchronously by the Viewer (column 10, lines 36-39; column 12, lines 28-32).

In reference to Claim 2, Teng further discloses a TCP/IP network (column 11, lines 29-32).

In reference to Claim 3, Teng further discloses streaming multi-media data (column 11, lines 37-39).

In reference to Claim 4, Teng further discloses that the Sender's address is dynamic (column 8, lines 55-62).

In reference to Claim 5, Teng further discloses a registry monitoring information, availability, and access privileges (column 7, lines 56-64).

In reference to Claim 6, Teng further discloses means for accepting requests from and streaming data to authorized Viewers (column 12, lines 32-44).

In reference to Claim 7, Teng further discloses a plurality of Senders, Viewers, and Mediator nodes (see Figures 1 and 6; column 11, lines 26-29; column 13, lines 28-30; and column 8, lines 3-7).

In reference to Claim 8, Teng further discloses a client operating as a relay (column 4, lines 15-18).

In reference to Claim 11, Teng further discloses generating and transmitting the streaming data in real time (column 7, lines 25-30 and 36-39).

In reference to Claim 12, Teng further discloses that the Sender is implemented by software (column 10, lines 20-36).

In reference to Claim 14, Teng discloses a method for data streaming including registering Sender information with a Mediator node (column 11, line 66-column 12, line

1), the Mediator authenticating the Sender (column 11, lines 57-61; column 4, lines 23-26), a Viewer requesting access to the Sender (column 12, lines 30-36), logging and validating the Viewer request (column 12, lines 28-39), transmitting location information to the validated Viewer (column 13, lines 63-67) and downloading a video streamer from the Sender to the Viewer (column 13, lines 34-37).

In reference to Claim 15, Teng further discloses a TCP/IP network (column 11, lines 29-32).

In reference to Claim 16, Teng further discloses streaming multi-media data (column 11, lines 37-39).

In reference to Claim 17, Teng further discloses that the Sender's address is dynamic (column 8, lines 55-62).

In reference to Claim 18, Teng further discloses a registry monitoring information, availability, and access privileges (column 7, lines 56-64).

In reference to Claim 19, Teng further discloses operating a second Sender as a relay (column 4, lines 15-18).

Claim 20 is a system claim corresponding substantially to the method of Claim 14, and is rejected by a similar rationale.

In reference to Claim 21, Teng discloses a system for data streaming including means for transmitting a data stream from a Sender to one or more Viewers (column 11, lines 26-29), means for registering Sender information with a Mediator node (column

11, line 66-column 12, line 1), means for Viewers to request access to the Sender from the Mediator (column 12, lines 30-36), and means for the Mediator node to provide location information to the Viewers (column 13, lines 63-67). Teng further discloses that transmission is initiated asynchronously by the Viewers (column 10, lines 36-39; column 12, lines 28-32).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng in view of Dean et al, US Patent 6223292.

In reference to Claims 9 and 22, Teng discloses everything as applied above to Claims 7 and 21, respectively. However, Teng does not explicitly disclose that the Mediator node provides security, nor does Teng disclose the use of encrypted tokens for security.

Dean discloses an authorization system for distribution of streaming media (see Abstract).

Specifically in reference to Claim 9, Dean discloses that the media server provides security (the use of passwords, column 5, lines 27-33; content is scrambled, see Abstract).

Specifically in reference to Claims 10 and 22, Teng discloses the use of encrypted tokens (column 7, lines 25-27; column 8, lines 48-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Teng by including the provision of security by the use of encrypted tokens, in order to prevent access by unauthorized users (see Dean, column 1, lines 36-42).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Fuller et al, US Patent 6711622, discloses a system for streaming media including a server and multiple clients.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A Davis whose telephone number is (703) 305-8902. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (703) 306-3036. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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